

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

ROME HARRIS, et al.,

Plaintiffs,

Case No. 20-cv-12512  
Hon. Matthew F. Leitman

v.

STATE FARM FIRE & CASUALTY  
INSURANCE COMPANY,

Defendant.

---

**ORDER REGARDING DEFENDANT STATE FARM'S MOTION FOR  
AN ORDER ENFORCING DEPOSITION SUBPOENA ISSUED TO  
NON-PARTY WITNESS PAMELA TUNSTULL**

---

This matter came before the Court upon the filing of *Defendant's Motion for an Order Enforcing Deposition Subpoena Issued to Non-Party Witness Pamela Tunstull*. The Court having reviewed the Parties' written filings and having held a Status Conference regarding Defendant's motion on October 29, 2021, the parties' respective legal counsel having appeared for the same, and the Court being otherwise informed;

NOW, THEREFORE, IT IS HEREBY ORDERED *Defendant's Motion for an Order Enforcing Deposition Subpoena Issued to Non-Party Witness Pamela Tunstull* is GRANTED.

IT IS ORDERED that Defendant State Farm's July 27, 2021 subpoena is a valid subpoena and that Pamela Tunstull failed without "adequate excuse to obey the subpoena", as required by Fed. R. Civ. P. 45(g).

IT IS OREDED that Ms. Tunstull shall appear for a properly re-noticed deposition on or before Friday, November 12, 2021; and

IT IS OREDED that, should Ms. Tunstull fail to appear for said re-noticed deposition on or before Friday, November 12, 2021, a contempt hearing will be scheduled, and, at the contempt hearing, Defendant may petition the Court for an order requiring Ms. Tunstull to pay Defendant its actual attorney's fees and costs incurred for having to file its motion to enforce subpoena, as well as having to appear for the contempt hearing.

**DEFENSE COUNSEL SHALL PERSONALLY SERVE AN ATTESTED COPY OF THIS ORDER UPON PAMELA TUNSTULL. THIS IS NOT A FINAL ORDER AND DOES NOT RESOLVE THE LAST PENDING ISSUE.**

**IT IS SO ORDERED:**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 29, 2021

APPROVED AS TO FORM ONLY:

/s/ John C. Cusmano (P72007)  
James Joseph Kelly (P7211)  
Jim Kelly Law, PC  
30300 Northwestern Hwy,  
Suite 324 Farmington Hills,  
MI 48334  
(248) 449-4444  
[jim@jimkellylaw.com](mailto:jim@jimkellylaw.com)  
Attorneys for  
Plaintiffs

PREPARED BY:

/s/ Nicholas C. Rizzo  
Nicholas C. Rizzo (P77834)  
RizzoDay, P.C.  
220 Lyon, NW, Suite  
200 Grand Rapids, MI  
49503 (616) 451-8111  
[nrizzo@rizzoday.com](mailto:nrizzo@rizzoday.com)  
Attorneys for Defendant